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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22186

7590

02/01/2010

MEDELSON, DRUCKER, & ASSOCIATES, P.C.  
1500 JOHN F. KENNEDY BLVD., SUITE 405  
PHILADELPHIA, PA 19102

EXAMINER

RAMAN, USHA

ART UNIT

PAPER NUMBER

2424

DATE MAILED: 02/01/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,025	11/12/2003	Elmer G. Musser JR.	1073.002	6195

TITLE OF INVENTION: AUTOMATED PLAYLIST CHASER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/03/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22186 7590 02/01/2010

**MENDELSON, DRUCKER, & ASSOCIATES, P.C.**  
**1500 JOHN F. KENNEDY BLVD., SUITE 405**  
**PHILADELPHIA, PA 19102**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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10706.025	11/12/2003	Elmer G. Musser JR.	1073.002	6195

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/03/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
RAMAN, USHA	2424	725-151000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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22186	7590	02/01/2010	EXAMINER	
MENDELSON, DRUCKER, & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			RAMAN, USHA	
			ART UNIT	PAPER NUMBER

2424

DATE MAILED: 02/01/2010

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 997 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 997 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/706,025

**Applicant(s)**

MUSSEY, ELMER G.

**Examiner**

USHA RAMAN

**Art Unit**

2424

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-15-09.
2. ☒ The allowed claim(s) is/are 1,2,4-18,20-23,25-30 and 33-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Christopher Kelley/  
Supervisory Patent Examiner, Art Unit 2424

### **EXAMINER'S AMENDMENT**

A telephone inquiry was made by the applicant on September 11, 2009 indicating that claim 32 had not being addressed in the final Office action mailed on August 17<sup>th</sup>, 2009. Because the Final Office Action mailed on August 17<sup>th</sup>, 2009 was incomplete, the finality of that Office action is withdrawn. Claims 1-2, 4-18, 20-23, 25-30, and 33-36 are allowed in accordance with the examiner's answer below.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward Meisarosh on January 21, 2010.

The application has been amended as follows:

Cancel claims 3, 19, 24, 31 and 32.

Replace claim 1 with the following:

-- A method for automatically creating a new playlist, comprising:

receiving a reference playlist defining a plurality of attributes for each of one or more program segments, the attributes comprising an on-air time, a start-of message, and a duration for each program segment;

comparing at least one on-air time in the reference playlist to a specified reference time;

identifying, based on the comparison, at least one program segment in the reference playlist that is active at the specified reference time;

adjusting, based on the at least one identified active program segment, the on-air time, the start-of message, and the duration attributes for one or more program segments in the reference playlist to create the new playlist; and

executing the new playlist on a second subsystem that provides failure protection for a first subsystem.--

In claim 2, lines 2-3, replace "a first subsystem that sources" with --the first subsystem, which sources--

In claim 4, line 1, replace "of claim 2" with --of claim 1--

In claim 6, lines 2-3, replace "a first subsystem that sources" with --the first subsystem, which sources--.

In claim 6, line 3, replace "zone, and" with --zone; and--.

In claim 7, line 2, replace "a second subsystem that sources" with --the second subsystem, which sources--

In claim 8, line 2, replace "a second subsystem that sources" with --the second subsystem, which sources--

Replace claim 18 with the following:

--An automated playlist chaser adapted to:

receive a reference playlist defining a plurality of attributes for each of one or more program segments, the attributes comprising an on-air time, a start-of message, and a duration for each program segment;

compare at least one on-air time in the reference playlist to a specified reference time;

identify, based on the comparison, at least one program segment in the reference playlist that is active at the specified reference time;

adjust, based on the at least one identified active program segment, the on-air time, the start-of message, and the duration attributes for one or more program segments in the reference playlist to create a new playlist; and

execute the new playlist on a second subsystem that provides failure protection for a first subsystem.--

In claim 21, lines 2-3, replace "a first subsystem that sources" to --the first subsystem, which sources--

Replace claim 23 with the following:

--A content sourcing facility comprising:

at least first and second content sourcing subsystems, each adapted to generate a subsystem stream of content; and

an automated playlist chaser adapted to:

receive a reference playlist defining a plurality of attributes for each of one or more program segments, the attributes comprising an on-air time, a start-of message, and a duration for each program segment;

compare at least one on-air time in the reference playlist to a specified reference time;

identify, based on the comparison, at least one program segment in the reference playlist that is active at the specified reference time;

adjust, based on the at least one identified active program segment, the on-air time, the start-of message, and the duration attributes for one or more program segments in the reference playlist to create a new playlist, wherein at least one of the content sourcing subsystems, which provides failure protection for at least one other content sourcing subsystem, generates its subsystem stream of content based on the new playlist.--

In claim 26, lines 2-3, replace "a first subsystem that sources" with --the first content sourcing subsystem, which sources--



Replace claim 30 with the following:

--A server comprising at least one processing unit adapted to execute:

operating software for managing communication and file operations; and

at least a portion of an automated playlist chaser application, wherein the automated playlist chaser application is adapted to:

receive a reference playlist defining a plurality of attributes for each of one or more program segments, the attributes comprising an on-air time, a start-of message, and a duration for each program segment;

compare at least one on-air time in the reference playlist to a specified reference time;

identify, based on the comparison, at least one program segment in the reference playlist that is active at the specified reference time;

adjust, based on the at least one identified active program segment, the on-air time, the start-of message, and the duration attributes for one or more program segments in the reference playlist to create a new playlist; and

execute the new playlist on a second subsystem that provides failure protection for a first subsystem.--

Add new claim 33 as follows:

-- A method for automatically creating a new playlist, comprising:

(a) receiving a reference playlist defining a plurality of attributes for each of one or more program segments, the attributes comprising an on-air time, a start-of message, and a duration for each program segment;

(b) comparing at least one on-air time in the reference playlist to a specified reference time;

(c) identifying, based on the comparison, at least one program segment in the reference playlist that is active at the specified reference time;

(d) adjusting, based on the at least one identified active program segment, at least one of the on-air time, the start-of message, and the duration attributes for one or more program segments in the reference playlist to create the new playlist, wherein:

(i) the reference playlist corresponds to a playlist currently being executed by a first subsystem that sources a first on-air feed that is intended for viewing in at least a first time zone; and

(ii) the specified reference time is based on the current time of day in a second time zone that is different than the first time zone;

(e) executing the reference playlist on a second subsystem that sources an intermediate feed that is substantially synchronous with the first on-air feed that is sourced by the first subsystem; and

(f) delaying the intermediate feed using a delay unit to produce a second on-air feed that is intended for viewing in at least the second time zone, such that the difference between the start of a given program segment in the first on-air feed and the start of the given program segment in the second on-air feed is equal to the time of day

difference between the first and second time zones, wherein, upon detecting a failure in the delay unit:

(i) the delay unit is bypassed such that the intermediate feed becomes the second on-air feed; and

(ii) the new playlist is loaded into and executed by the second subsystem.--

Add new claim 34 as follows:

--A computer-implemented method for automatically creating a new playlist, comprising:

(a) receiving a reference playlist defining a plurality of attributes for each of one or more program segments, the attributes comprising an on-air time, a start-of message, and a duration for each program segment;

(b) comparing at least one on-air time in the reference playlist to a specified reference time;

(c) identifying, based on the comparison, at least one program segment in the reference playlist that is active at the specified reference time;

(d) adjusting, based on the at least one identified active program segment, at least one of the on-air time, the start-of message, and the duration attributes for one or more program segments in the reference playlist to create the new playlist;

(e) initializing a first variable based on the reference time plus a processing time;

(f) initializing a second variable to the value of the first variable;

(g) determining a current program segment from the reference playlist by comparing the value of the second variable with timeslots for program segments in the reference playlist;

(h) determining, by the computer, media type and corresponding queuing delay for the source of the current program segment;

(i) updating the value of the second variable to be equal to the value of first variable plus the queuing delay, and

(j) checking to see if the updated value of the second variable is within the timeslot for the current program segment, and, if it is not, repeating steps (g)–(i) until the updated value of the second variable is within the timeslot for the current program segment.--

Add new claim 35 as follows:

--The invention of claim 34, wherein the adjusting includes:

determining a value for a third variable by subtracting the on-air time of the current program segment from the value of the second parameter;

calculating a new start-of message attribute for the current program segment by adding the start-of message of the current program segment to the value of the third parameter;

calculating a new duration attribute for the current program segment by subtracting the value of the third parameter from the duration of the current program segment, and

setting a new start-of time for the current program segment equal to the value of the second variable.--

Add new claim 36 as follows:

--The invention of claim 35, wherein:

the first variable corresponds to a variable CurrentTime;

the second variable corresponds to a variable NewOnAirTime, and

the third variable corresponds to a variable TimePast.--

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

/Usha Raman/